

REMARKS

This Amendment is filed in response to the Final Office Action mailed on March 18, 2004, and with the Request for Continuing Examination filed on the date herewith. Applicant submits that the present Amendment does not generate any new matter. All objections and rejections are respectfully traversed.

Claims 1 to 37 are in the application and are currently pending.

Claims 20 to 37 are added.

At paragraphs 1-2 of the Office Action claims 1-4 and 8-19 were rejected under 35 U.S.C. § 102 as being unpatentable in view Fuchs, US Patent No. 5,440,726 issued on August 8, 1995, hereinafter Fuchs.

The present invention, as set forth in representative claim 1 comprises in part:

A system for replay of a backup memory in a storage system having a file system for managing transfer of data to and from an attached disk array, the system comprising:

a log in the backup memory containing the storage system transaction entries accumulated after a consistency point at which time results of the storage system transaction entries are committed to the disk array;

an initiator process that establishes a swarm of messages with respect to the storage system transaction entries and delivers the swarm to the file system; and

a disk information-retrieval process in the file system that is carried out on the ***swarm of messages in parallel***.

By way of background, Fuchs describes a progressive retry recovery system.

Furthermore, Fuchs system is an *in seriatim* system because it replays messages in series,

one after the other. (Col. 18, lines 36-44) The *in seriatim* technique was recognized by the Applicant's as a prior art technique and described by the applicant in the Background of the invention on page 4, lines 3-10 on the application as filed.

Applicant respectfully urges that Fuchs does not show Applicant's claimed novel *initiator process that establishes a swarm of messages ... a disk information-retrieval process in the file system that is carried out on the swarm of messages in parallel.*

Fuchs works on his messages in series, one after the other.

In sharp contrast, Applicant *establishes a swarm of messages ... a disk information-retrieval process in the file system that is carried out on the swarm of messages in parallel.* In further detail, the initiator groups a predetermined number of messages into the swarm, where the messages are handled altogether *in parallel.* Additionally, the messages do not have to be in any particular order because the Write Anywhere File Layout (WAFLTM) processes the messages in a somewhat arbitrary order as part of the overall swarm.

Applicant respectfully urges that the Fuchs patent is legally precluded from anticipating the claimed invention under 35 U.S.C. § 102 because of the absence from the Fuchs patent of Applicant's *initiator process that establishes a swarm of messages*, and applicants invention can handle the *swarm of messages in parallel.*

At paragraphs 3-4, examiner rejected claim 5 under 35 U.S.C. §103(b) as being unpatentable over Fuchs in view of Pub. No. 2003/0131190 issued to Park et al (herein-after "Park").

At paragraph 5, examiner rejected claims 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over Fuchs in view of the U.S. Patent No. 6,330,570 issued to Crighton (hereinafter "Crighton").

Applicant respectfully notes that claims 5, 6, and 7 are dependent claims that depend from independent claims which are believed to be in condition for allowance. Accordingly claims 5-7 are believed to be in condition for allowance.


All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,


A. Sidney Johnston
Reg. No. 29,548
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500